

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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RODERICK GUNN,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.
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14cv3228

MEMORANDUM & ORDER

WILLIAM H. PAULEY III, District Judge:

Petitioner Roderick Gunn moves for reconsideration of this Court's November 24, 2014 Order denying his motion for an affidavit from the Government regarding alleged perjured testimony and for an in camera review of certain death penalty submissions. For the reasons that follow, Gunn's application for reconsideration is denied.

Local Civil Rule 6.3 allows a party to move for reconsideration in light of "matters or controlling decisions which [a party] believes the Court has overlooked." Reconsideration is an "extraordinary remedy to be employed sparingly in the interests of finality and conservation of scarce judicial resources." Parrish v. Sollecito, 253 F.Supp.2d 713, 715 (S.D.N.Y. 2003) (citing In re Health Mgmt. Sys., Inc. Sec. Litig., 113 F. Supp. 2d 613, 614 (S.D.N.Y. 2000)). The purpose of reconsideration is to correct clear error, prevent manifest injustice, or account for newly available evidence. See Parrish, 253 F. Supp. 2d at 715.

Accordingly, a motion for reconsideration "will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked . . . that might reasonably be expected to alter the conclusion reached by the court." Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995).

Here, Gunn does not point to any intervening change in law, provide any new evidence, or demonstrate that manifest injustice would result from allowing this Court's Order to stand. This Court is satisfied that the information in the record—including Gunn's sworn affidavits, Needham's proffer notes, and the trial record, among other things—is sufficient to evaluate Gunn's claims and determine whether an evidentiary hearing is necessary. Accordingly, Gunn's application is denied.

CONCLUSION

Petitioner Roderick Gunn's motion for reconsideration of this Court's November 24, 2014 Memorandum and Order is denied. The Clerk of the Court is directed to terminate the motion pending at ECF No. 19.

Gunn is directed to reply to the Government's memorandum in opposition to his habeas petition by January 23, 2015.

Dated: December 31, 2014
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

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